

FILED  
COURT OF APPEALS  
DIVISION II

Personal Restraint Petition: 2020 JUN 18 PM 2:14

NO. 54156-4-II

STATE OF WASHINGTON

(Consolidated with direct Appeal NO. 53443-6-II) *ald*

In the Court of Appeals of the State of Washington  
Division II

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State of Washington, Respondent

v.

Michael Allen Smith, Petitioner

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From the Superior Court for Clark County  
Clark County Superior Court Cause No. 18-1-01656-8

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Reply Brief of Petitioner

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Michael Allen Smith

ProSe

June 14<sup>th</sup>, 2020  
Date

①

The evidence I have provided in the Personal Restraint Petition was filed timely and therefore should be considered, RCW 7.36 Habeas Corpus, Rules of Appellate Procedures, Rule 16.4 Section (c)(3) Material facts exist which have not been previously presented and heard, which in the interest of justice require vacation of the conviction, sentence, or other order entered in a criminal proceeding or civil proceeding instituted by the state or local government.

The evidence I have provided is grounds for remedy.

The investigation into H.K.'s allegations consisted of a few phone calls made by Detective Deanna Watkins

(Trial transcripts) R.P. 298-308 (Emphasis Added R.P. 307-308)

②

The Google maps Timeline that has been provided was located in the stored history and has not been altered in anyway. Every minute of November 17<sup>th</sup>, 2017 was recorded through google and has been presented in the printouts. The timeline is consistent with Andrew Luna's testimony at trial R.P. 227-228, 232.

Andrew Luna is a neutral witness and testified to being friends with both sides R.P. 225. I also provided a billing record from Verizon Wireless which shows that I had used my phone throughout November 17<sup>th</sup>, 2017 day and evening by making several calls related to work and corresponds with the Google maps timeline Location history. This billing record

③

Shows I called Corey Jones at 8:33pm also

Google timeline places me at home at 8:39pm.

The same time H.K. alleges she was assaulted

R.P. 152, 197, 199, 200. The stops to Andrew Luna and H.K.'s

residence does not appear because I was only there briefly,

similar to being stopped at a traffic light, which is

consistent with my statement to Detective Deanna Watkins

R.P. 304.

The evidence presented is every bit exculpatory

by establishing my whereabouts at home when H.K.

alleges she was assaulted. I am under unlawful restraint

and entitled to relief based off the evidence I have

presented establishing my whereabouts and innocence.

H.K. has told several different stories to several

④

different people which she admits are not true and differs from her written statement R.P. 205-206, 209-210.

When questioned about details of the alleged incident H.K.'s trial testimony is riddled with answers of I don't recall and I don't remember, - approximately 44 R.P. 151-220.

For the reasons argued above I am requesting for dismissal from the convictions and sentences.

Dated: June 14<sup>th</sup>, 2020

Respectfully Submitted:

By: 

Michael Allen Smith

Pro Se